

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

JOHN ESPIREDION VALERIO,

Petitioner,
V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **3:96-CV-0362-RCJ-RAM**

E. K. McDANIEL, et al.,

Respondents.

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

___ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the third amended petition for writ of habeas corpus (#118) is DENIED as to the guilt phase claims.

IT IS FURTHER ORDERED that in accordance with the remand instructions of United States Court of Appeals (#98), Valerio's third amended petition (#118) is GRANTED as to the petitioner's death sentence unless, **within 180 days of entry of this order**, the State of Nevada either (1) grants a new penalty-phase trial or (2) vacates the death sentence and imposes a lesser sentence consistent with the law.

February 23, 2009

LANCE S. WILSON
Clerk

/s/ D. R. Morgan
Deputy Clerk